

MINUTES OF THE SENATE ASSESSMENT AND TAXATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 10:47 a.m. on January 20, 2010, in Room 152-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Office of the Revisor of Statutes
Scott Wells, Office of the Revisor of Statutes
Corey Carnahan, Kansas Legislative Research Department
Chris Courtwright, Kansas Legislative Research Department
Mary Jane Brueck, Committee Assistant

Conferees appearing before the Committee:

Sheriff Perry Russell, Chautauqua County

Others attending:

See attached list.

Chairman Donovan opened the meeting with introduction of bills. He explained Secretary Wagon brought several bill requests to the last meeting, and some did not get introduced. Motions to introduce those bills will be made separately. The motion to vote on those introductions will be done as a group and be accepted without objection. Chairman Donovan recognized Sen. Holland to make the introductions. He made a motion to introduce the KACIR's request for a bill that would eliminate certain sales tax exemptions and a bill for the Governor's tax proposals. Sen. Marshall seconded the motion; and it was accepted without objection.

Further introduction of bills. Sen. Huntington introduced a bill requested by Legislative Post Audit regarding the burden of proof for the value of homes. This bill would put the burden of proof on the home owner rather than the County Appraisers' Offices. Chairman Donovan accepted the bill without objection.

Sen. Huntington also requested a bill that would provide an exemption for materials used to build cabins that are placed in our parks. This too was accepted without objection.

Sen. Marshall requested a bill for the Fort Scott Riverfront Authority, which was established in 2008, to be exempt from sales and property tax. The request was accepted without objection.

Chairman Donovan opened the meeting for the hearing on **SB 379 - Validation of election granting sales tax authority for Chautauqua county.** Sen. D. Schmidt discussed the background of the bill: a decision had to be made by the citizens of the county, time was at an essence, and a vote was passed in December. This scenario has happened before. Sheriff Perry Russell, Chautauqua County was present to explain the situation in the county. The jail was condemned, so a new jail had to be built. The county held an election to finance the new jail with a 1% sales tax increase. Seventy-six percent of the voters voted in favor of the proposal. The tax will end when the jail is paid for in full. (Attachment 1)

Chairman Donovan announced he would work this bill today. Sen. D. Schmidt moved amendment of HB2353 by removing the content of the bill and replacing it with the text of SB 379, designating the new bill as Senate Substitute Bill, and recommending the substitute bill for passage. Sen. Marshall seconded the motion; motion carried.

Chairman Donovan pointed out the sheet of rules that was enclosed with the other information given the committee. It was taken from another committee. He asked this committee to look over these rules. He thinks they lay out good ground rules for operation of this committee. (Attachment 2)

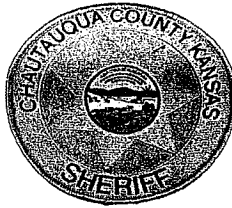
Chairman Donovan announced the next meeting will be next Wednesday, January 27. The committee will take up **S Sub for H 2353 by Committee on Assessment and Taxation-Validation of election granting sales tax authority for Chautauqua county.**

The meeting was adjourned at 11:15 a.m.

SENATE
Assessment & Taxation Committee
GUEST LIST

DATE: WED. JAN 20, 2010

NAME	REPRESENTING
Whitney Jamon	YMCA of KS
Richard Cram	KDOR
David Corbin	KDOR
LARRY R BAER	LKR
Stuart Little	Johnson County
Berend Koops	Hein Law Firm
Michelle Butler	Cap. Strateges



Chautauqua County Sheriff's Department

215 N. Chautauqua

Sedan, Kansas 67361

Phone: 620-725-3108

Fax: 620-725-3256

Perry Russell
Sheriff

Nick Reed
Undersheriff

January 20, 2010

Testimony for Chautauqua County Jail Law Enforcement Center -- One Percent Sales Tax

In March 2009, the Kansas State Fire Marshal's Office closed the Chautauqua County Jail due to insurance liability and current national standards for conditions of confinement of housing inmates. The current jail was constructed in 1923 when standards for inmate confinement were virtually non-existent. As a result Chautauqua County was faced with two choices, either to build a new jail or to transport and house our inmates outside of the county. In a ten and a half month period from mid February to December, Chautauqua County spent approximately \$157,000 for transportation and housing. Renovation of the old jail is not possible due to its location in the center of the existing courthouse. It fails to meet current building standards.

In April of 2009, a jail citizen committee was formed. The committee conducted a feasibility study and weighed the options. The recommendation from the committee to the county commission was to pursue a one percent sales tax for the purpose of constructing a law enforcement center and jail.

With the growth of drug crimes across the nation as well as other criminal activity, we believe that Chautauqua County is not exempt from a growth in inmate population. The continuation of housing our inmates out of county will without a doubt cause an increase in cost causing a burden to our taxpayers. Building a new jail will not only keep our tax dollars at home but will also add three or four new jobs to our community. A sales tax means everyone who buys anything inside our county will help pay for our jail not just local property owners. The Kansas Department of Revenue reports show that in 2008, 1 percent sales tax generated \$334,000 for Chautauqua County. Our bond council projection indicates that the yearly amortization payment will be approximately \$220,000 to satisfy a \$2.8 million project.

On December 1, 2009, the voters of Chautauqua County overwhelmingly supported the implementation of a one percent sales tax by 76 percent of the voting population. I now come before you to ask that the legislation necessary to implement this sales tax be supported and passed by our state legislature.

Respectfully,

Perry Russell
Chautauqua County Sheriff

Accompanying me will be Deputy Larry Robinette.

Sn. Assmnt & Tax
1-20-10

Attachment # 1

GUIDELINES FOR CONFEREES APPEARING BEFORE THE
SENATION ASSESSMENT AND TAXATION COMMITTEE

1. Cellular phone and pages with audible tones must be turned off or disabled while in the committee room
2. Individuals wishing to appear and provide verbal testimony before the committee should notify the committee secretary at least 24 hours in advance of the hearing.
3. Testimony should be written form with 25 copies made available to the committee secretary. Please try to have the testimony in by 5:00 pm the day before testifying, or make arrangements with the committee secretary.
4. Conferees should not read their testimony. Rather, testimony should be presented in summary fashion. Conferees should introduce themselves, identify on whose behalf they appear, identify whether they appear as a proponent, opponent, or interested neutral party and should, as briefly as possible, state the reasons(s) for their position
5. Conferees and members of the legislative staff should try to focus on four major elements:
 - a. What is the policy question the committee is being asked to consider for legislation?
 - b. What are the options for the committee to consider?
 - c. What is the recommended course of action?
 - d. What is the budget (fiscal) impact?
6. If suggestions for amendments(s) are to be offered, a proposed draft of the amendment(s) must be provided to staff.
7. Conferees should address their remarks during testimony to committee members and staff only.
8. When the number of hearings and/or conferees scheduled warrant time limitations, the Chairman may limit testimony to a specific number of minutes. The Chairman reserves the right to limit testimony that is cumulative in nature or testimony that is, in the judgment of the Chairman, not relevant to the matter under consideration.
9. The Chairman reserves the right to take such action as may be necessary to prevent disruptive behavior in the committee room during hearings and deliberations.
10. There shall be no recording, audibly, photographically or otherwise, of committee voting except by the committee secretary

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1-20-10

Attachment # 2